

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TONY HINES,

Plaintiff,

Case No. 2:18-cv-02373-JAD-NJK

V.

JAMES DZURENDÁ, *et al.*,

Defendants.

ORDER

11 This action began with a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983
12 by a person in the custody of the Nevada Department of Corrections. Plaintiff has submitted an
13 application to proceed *in forma pauperis*. Docket No. 7. Based on the financial information
14 provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

15 The Court imposed a stay on April 7, 2020 and entered a subsequent order in which the
16 parties were assigned to mediation by a court-appointed mediator. Docket Nos. 17, 25, 26. A
17 mediation was held on November 6, 2020 and no settlement was reached; therefore, the instant
18 case is returned to the normal litigation track. Docket No. 28.

19 For the foregoing reasons, **IT IS ORDERED** that:

20 1. Plaintiff's application to proceed *in forma pauperis*, Docket No. 7, is **GRANTED**.
21 Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this
22 action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

23 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
24 prepayment of any additional fees or costs or the giving of security therefor. This order granting
25 leave to proceed *in forma pauperis* shall not extend to the issuance and/or service of subpoenas at
26 government expense.

27 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall
28 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding

1 month's deposits to Plaintiff's account (Tony Hines, 14349), in the months that the account
2 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of the
3 Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The Clerk
4 of the Court shall also **SEND** a copy of this order to the attention of the Chief of Inmate Services
5 for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

6 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy
7 of Plaintiff's first amended complaint, Docket No. 14, on the Office of the Attorney General of
8 the State of Nevada by adding the Attorney General of the State of Nevada to the docket sheet.
9 This does not indicate acceptance of service.

10 5. Service must be perfected no later than February 10, 2021, pursuant to Fed. R. Civ.
11 P. 4(m).

12 6. Subject to the findings of the screening order, Docket No. 17, no later than
13 December 3, 2020, the Attorney General's Office shall file a notice advising the Court and Plaintiff
14 of: (a) the names of the defendants for whom it accepts service; (b) the names of the defendants
15 for whom it does not accept service, and (c) the names of the defendants for whom it is filing the
16 last-known-address information under seal. As to any of the named defendants for whom the
17 Attorney General's Office cannot accept service, the Office shall file, under seal, but shall not
18 serve the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such
19 information. If the last known address of the defendant(s) is a post office box, the Attorney
20 General's Office shall attempt to obtain and provide the last known physical address(es).

21 7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file
22 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying
23 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General
24 has not provided last-known-address information, Plaintiff shall provide the full name and address
25 for the defendant(s).

26 8. If the Attorney General accepts service of process for any named defendant(s), such
27 defendant(s) shall file and serve an answer or other response to the complaint no later than January
28 11, 2021.

1 9. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been
2 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document
3 submitted for consideration by the Court. Plaintiff shall include with the original document
4 submitted for filing a certificate stating the date that a true and correct copy of the document was
5 mailed or electronically filed to the defendants or counsel for the defendants. If counsel has
6 entered a notice of appearance, Plaintiff shall direct service to the individual attorney named in the
7 notice of appearance, at the physical or electronic address stated therein. The Court may disregard
8 any document received by a district judge or magistrate judge which has not been filed with the
9 Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to
10 include a certificate showing proper service.

11 || 10. This case is no longer stayed.

12 IT IS SO ORDERED.

13 DATED: November 12, 2020.


NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE